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## BEFORE THE POSTAL REGULATORY COMMISSION WASHINGTON, D.C. 20268-0001

ANNUAL COMPLIANCE REPORT, 2016	) Docket No. ACR2016
INSTITUTIONAL COST CONTRIBUTION	) Docket No. RM2017-1
REQUIREMENT FOR COMPETITIVE PRODUCTS	Docket No. RM2017-1

# UNOPPOSED MOTION OF AMAZON FULFILLMENT SERVICES, INC., FOR ACCESS TO NONPUBLIC LIBRARY REFERENCES USPS-FY2016-NP10, -NP11, -NP12 and -NP13

(January 23, 2017)

Pursuant to 39 C.F.R. §§ 3007.40 and 3007.50, Amazon Fulfillment Services, Inc. ("AFSI"), respectfully requests access to the following non-public library references filed by the Postal Service in Docket No. ACR2016 on December 29, 2016: USPS-FY2016-NP10, -NP11, -NP12 and -NP13. AFSI would like to review the material for potential use in comments in Docket Nos. ACR2016 and RM2017-1. These are the same library references that were the subject of Order No. 3741 (issued January 10, 2017). AFSI is authorized to state that the Postal Service, the sponsor of these library references, does not object to the requested access.

The six reviewing representatives to whom AFSI plans to provide the library references are:

Lawrence G. Buc, president, SLS Consulting, Inc.

Sander Glick, vice president, SLS Consulting, Inc.

Peter M. Kiesel, consultant, SLS Consulting, Inc.

David M. Levy, partner, Venable LLP

Eric S. Berman, partner, Venable LLP

Robert M. Davis, counsel, Venable LLP

Attached are executed declarations by these six individuals committing to their compliance with the terms of the protective conditions established by the Commission to limit the disclosure and use of the sealed material.

Respectfully submitted,

David M. Levy

David M. Levy

Eric S. Berman Robert M. Davis

VENABLE LLP

575 7th Street, N.W.

Washington, DC 20004

(202) 344-4732

Counsel for Amazon Fulfillment Services, Inc.

#### STATEMENT OF COMPLIANCE WITH PROTECTIVE CONDITIONS

This Statement of Compliance concerns non-public documents filed by the United States Postal Service ("USPS" or "Postal Service") as **Library References USPS-FY2016-NP10**, **-NP11**, **-NP12**, and **-NP13** in Commission Docket No. ACR2016, *Annual Compliance Report*, *2016*. The Postal Service has requested confidential treatment of the materials (hereinafter "these materials").

The following protective conditions limit access to these materials. Each person seeking to obtain access to these materials must agree to comply with these conditions, complete the attached certifications, and provide the completed certifications to the Commission and counsel for the Postal Service.

- 1. Access to these materials is limited to a person as defined in rule 5(f), 39 CFR 3001.5(f), or an individual employed by such person, or acting as agent, consultant, contractor, affiliated person, or other representative of such person for purposes related to the matters identified as Docket No. ACR2016, Annual Compliance Report, 2016, or Docket No. RM2017-1, Institutional Cost Contribution Requirement for Competitive Products. However, no person involved in competitive decision-making for any entity that might gain competitive advantage from use of this information shall be granted access to these materials. "Involved in competitive decisionmaking" includes consulting on marketing or advertising strategies, pricing, product research and development, product design, or the competitive structuring and composition of bids, offers or proposals. It does not include rendering legal advice or performing other services that are not directly in furtherance of activities in competition with a person or entity having a proprietary interest in the protected material.
- No person granted access to these materials is permitted to disseminate them in whole or in part to any person not authorized to obtain access under these conditions.
- 3. Immediately after access has terminated under rule 39 C.F.R. §§ 3007.41 or 3007.51, a person (and any individual working on behalf of that person) who has obtained a copy of these materials shall certify to the Commission:
  - (a) That the copy was maintained in accordance with these conditions (or others established by the Commission); and
  - (b) That the copy (and any duplicates) either have been destroyed or returned to the Commission.

- 4. The duties of each person obtaining access to these materials shall apply to material disclosed or duplicated in writing, orally, electronically, or otherwise, by any means, format, or medium. These duties shall apply to the disclosure of excerpts from or parts of the document, as well as to the entire document.
- 5. All persons who obtain access to these materials are required to protect the document by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of the document as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially sensitive, and privileged information.
- 6. These conditions shall apply to any revised, amended, or supplemental versions of these materials provided in the matters identified as Docket No. ACR2016, *Annual Compliance Report, 2016*, or Docket No. RM2017-1, *Institutional Cost Contribution Requirement for Competitive Products*.
- 7. The duty of nondisclosure of each person obtaining access to these materials is continuing, terminable only by specific order of the Commission, or as specified in paragraphs 9 and 10, below.
- 8. Each person granted access to these materials consents to these or such other conditions as the Commission may approve.
- 9. Any written materials that quote or contain materials protected under these protective conditions are also covered by the same protective conditions and certification requirements, and shall be filed with the Commission only under seal. Documents submitted to the Commission as confidential shall remain sealed while in the Secretary's office or such other place as the Commission may designate so long as they retain their status as stamped confidential documents.
- 10. If a court or other administrative agency subpoenas or orders production of confidential information which a person has obtained under the terms of this protective order, the target of the subpoena or order shall promptly (within 2 business days) notify the Postal Service of the pendency of the subpoena or order to allow it time to object to that production or seek a protective order.

The undersigned represents that:

Access to these materials provided by the United States Postal Service as Library References USPS-FY2016-NP10, -NP11, -NP12, and -NP13 in Commission Docket No. ACR2016, Annual Compliance Report, 2016, has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matters identified as Docket No. ACR2016, Annual Compliance Report, 2016, or Docket No. RM2017-1, Institutional Cost Contribution Requirement for Competitive Products. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Signature:

Eric S. Berman
Partner, Venable LLP

(representing Amazon Fulfillment Services, Inc.)

The undersigned represents that:

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Signature:

Lawrence G. Buc

President, SLS Consulting, Inc.

(representing Amazon Fulfillment Services, Inc.)

The undersigned represents that:

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Signature:

Robert M. Davis

Counsel, Venable LLP

(representing Amazon Fulfillment Services, Inc.)

The undersigned represents that:

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Janden Hlick

Signature:

Sander Glick

Vice President, SLS Consulting, Inc.

(representing Amazon Fulfillment Services, Inc.)

The undersigned represents that:

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Signature:

Peter M. Kiesel

Consultant, SLS Consulting, Inc.

(representing Amazon Fulfillment Services, Inc.)

The undersigned represents that:

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Signature:

David M. Levy

Partner, Venable LLP

(representing Amazon Fulfillment Services, Inc.)